

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

_____)	
DONALD P. SPEAKMAN, et al.)	
)	
Plaintiffs and Counterclaim Defendants,)	
)	Civil Action No. 4:04-cv-40077-FDS
v.)	
)	
ALLMERICA FINANCIAL LIFE INS. &)	ORAL ARGUMENT REQUESTED
ANNUITY CO., et al.)	
)	
Defendants and Counterclaim Plaintiffs.)	
_____)	

**EMERGENCY MOTION TO EXTEND
SCHEDULE FOR CLASS CERTIFICATION BRIEFING**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants and Counterclaim Plaintiffs Allmerica Financial Life Insurance & Annuity Company, First Allmerica Financial Life Insurance Company, and Allmerica Financial Corporation hereby move to extend the deadline within which to file their Opposition to plaintiffs' Motion for Class Certification to be ten (10) days following the conclusion of named Plaintiff Donald Speakman's deposition.

The grounds for this Motion are set forth in Defendants' Memorandum filed herewith.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the defendants hereby request that the Court grant a hearing on their Emergency Motion. In support of this request, the defendants believe that oral argument will assist the Court in clarifying and evaluating the issues raised in the Motion.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Counsel for Defendants certifies that they have attempted in good faith to resolve or narrow the issues raised in this Motion, but have been unable to do so.

WHEREFORE, defendants respectfully request that the Court:

- i. Extend the deadline for Defendants to file their Opposition to plaintiffs' Motion for Class Certification to be ten (10) days following the conclusion of Donald Speakman's deposition;
- ii. Order that Mr. Speakman answer the questions that he previously refused to answer;
- iii. Award Allmerica the fees and costs it incurred in filing what should have been an unnecessary Motion; and
- iv. Grant such further relief as is just and proper.

Respectfully submitted,

ALLMERICA FINANCIAL LIFE INSURANCE &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INSURANCE CO., and
ALLMERICA FINANCIAL CORP.

By their attorneys,

/s/ Jonathan A. Shapiro

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Dated: November 7, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on this 7th day of November, 2005 by overnight mail and e-mail on:

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